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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,304	04/12/2004	Dirk Wagener	PHB71863	2611

7590 04/17/2008
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EXAMINER

DUNN, DARRIN D

ART UNIT	PAPER NUMBER
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2121

MAIL DATE	DELIVERY MODE
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04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/822,304	Applicant(s) WAGENER, DIRK	
	Examiner DARRIN DUNN	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the communication filed 04/12/2004.
2. Claim 1 is presented for examination.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application 10/822304, filed on 04/12/2004. It is noted, however, that applicant has not filed a certified copy of the foreign reference as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Cell et al. (USPN 7251319).

5. As per claim 1, Celi et al. teaches a system for communication between operating equipment and field equipment, comprising:

a communications network for connecting said operating equipment and said field equipment at least temporarily to a mobile terminal for the purpose of data interchange ([FIG 1 – communication network], [COL 3 lines 1-30] e.g. ‘at least temporarily’ is interpreted as intermittent connections, as in the case of a public switched telephone network...callers initiating telephone calls also implies termination of such calls. Field equipment, not defined, may correspond to network equipment. Operating equipment, not defined, may correspond to

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wireless telephones);

said communications network comprising an application computer and a gateway server and in addition components for data transmission at nodes ([FIG 1], [COL 3 lines 1-32] e.g., 'voice gateway/server functions as gateway server and application computer. As per the instant specification, one embodiments suggest the integrations of the application computer and gateway server);

said field equipment connected to said application computer by way of said components for data transmission belonging to said communication network ([FIG 1], [COL 3 lines 42055] e.g., field equipment, not defined, is interpreted as equipment located remotely from an originating source, i.e., telephone or client device);

a server process and at least one field-equipment specific software program loaded and executed on said application computer ([FIG 1], [COL 3 lines 22-30] e.g., voice stream data manager, among other applications);

said terminal suitable for speech input and output and is connected to the gateway server by way of components for data transmission belonging to said telecommunications network ([COL 3 lines 15-17] e.g., wireless phones provide for speech input/output)

a first and a second software program are loaded and executed on said gateway server; said first software program is a speech/telephony platform which comprises methods for speech recognition, for converting text to speech and telephony functions ([COL 3 lines 18-25 e.g. speech processing component – voiceXML, speech recognition, etc);

said second software program is a speech browser which has methods for the interpretation of VXML documents ([COL 3 lines 18-25] e.g., voice browser and voiceXML (vxml), and

natural speech is provided for the data interchange between said terminal and said gateway server ([COL 3 lines 15-17, lines 28-35] e.g., speech engines providing speech based processing....user can access and interact with an application hosted by the application server, where it is assumed that human based speech is a form of natural speech)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. 5924069 – voice control integrated field support data communications (see cited references)
8. 6230287 – web based help desk
9. 6732078 – audio control method and audio controlled device
10. 7139564 – wireless communication device for field personnel
11. 20040181467 – multi-modal warehouse applications (vxml)
12. 20050080628 – system and method for running dialogs between a user and virtual agent (voiceXML)
13. 20080076557 – method for establishing games using speech

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRIN DUNN whose telephone number is (571)270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD
04/09/2008

/Albert DeCady/
Supervisory Patent Examiner
Art Unit 2121